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Application No.: 10/825,716

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Docket No.: 595992000501

REMARKS

Claims 1-35 were pending in the present application. By virtue of this response, claims 1-16 and 35 have been cancelled, claim 20 has been amended, and new claims 36-52 have been added. Amendment and cancellation of certain claims is not to be construed as dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added. Support for these amendments may be found throughout the specification.

Accordingly, claims 17-34 and 36-52 are currently under consideration.

Telephone Interview of January 10, 2007

The Applicant's thank the Examiner for the helpful telephone interview on January 10, 2007, during which the allowable claims, as well as the newly added claims 36-52 were discussed. As discussed, new claims 36-52 (directed to cutting a biological material) are similar to allowable claims 17-34, and Applicant's sincerely believe that they are allowable for the same reasons.

Allowable Subject Matter

The Applicants thank the Examiner for indicating that claims 17-34 are allowed. New claims 36-52 have been added, which are substantially similar to claims 17-34. In order to expedite prosecution, apparatus claims 1-16 and 35 have been cancelled.

35 U.S.C. §103 Rejections

Claims 1-3, 9, 14-15 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,047,700 to Eggers et al. ("Eggers") in view of US 4,590,934 to Malis et al. ("Malis").

Further, claims 4-5 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eggers in view of Malis and further in view of US 6,620,160 to Lewis et al. ("Lewis").

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Further, claims 6-8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eggers in view of Malis et al. (US 4,590,934) and further in view of 6,113,594 to Savage ("Savage").

Further, claims 11, 12 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Eggers in view of Malis et al. and further in view of US 4,781,175 to McGreevy et al. ("McGreevy").

As mentioned above, claims 1-16 and 35 have been cancelled. Thus the 35 U.S.C. §103 rejection of these claims is moot.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 595992000501. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 11, 2007

Respectfully submitted,

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